

June 23, 2008

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JUNE 23, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: JAMES DITTBRENNER

REGULAR MEETING

MR. KANE: I'd like to call to order the June 23, 2008
meeting of the New Windsor Zoning Board of Appeals.

PRELIMINARY_MEETINGS:

APOLLO_CYPRESS_(08-17)

MR. KANE: Preliminary meetings, Apollo Cypress.
Request for interpretation and/or use variance for
existing single family home with two kitchens or
two-family home at 2903 McKinley Court in an R-3 zone.

Mr. Apollo Cypress appeared before the board for this
proposal.

MR. KANE: Mr. Cypress, come on up. What we do in New
Windsor, this is basically for everybody is we hold two
hearings, not a lot of towns do that. One is a
preliminary meeting such as you're at right now that
will provide us all the information that we need to
make a decision and then any request we may have for
you. All our decisions have to be made in a public
hearing so we'll be prepared for that. So tell us
exactly what you want to do, state your name and
address and speak loud enough for the young lady over
there to hear you.

MR. CYPRESS: Apollo Cypress and we're residing in 2903
McKinley Court, New Windsor. I did the basement
renovations and the inspector complained that the one
that I did is a kitchen because the way I understand it
it's not the kitchen because there's no provisions for
kitchen equipment, there's no gas lines. And all you
can see there is just the sink, it's not even a kitchen
sink. What I put is a bar sink with countertop and the
cabinets, the base cabinets and the upper cabinets.
Now, the inspector said that it is a kitchen so I'm
requesting for an interpretation or an area variance
because I believe it's not a kitchen.

MR. KANE: We get a number of them for that and the
idea of being here for the quote unquote the second
kitchen is just to basically make sure everything's

legit, get you on record that the home will never be used as a two-family home and basically we get you on record for that and that's specifically why you're here.

MR. CYPRESS: Actually, the inspector went to the basement, what he can find there is just my office, storage and a toilet and nothing else and we don't have any provisions to prepare foods or anything there.

MR. KANE: Mike, with just the sink in there like that does that with no gas coming in and no provisions for that?

MR. BABCOCK: Well, honestly, Mr. Chairman, I didn't see it but I can tell you that the building permit that we issued doesn't show any sink at all.

MR. CYPRESS: Here sir this is the sink, this is the sink which I put in the center and this is the upper cabinet and this is the base cabinets. Now when he interpret this as a kitchen and I tried to explain to him that it is not a kitchen because it's just a sink and in our other place we have to prepare maybe coffee or drinks which we can use for washing maybe the glass or whatever.

MR. BABCOCK: I think we're just being cautious, we'd like him to go on record for this.

MR. KANE: We want to make sure there are no illegal two-family homes going up.

MR. CYPRESS: It will not be a two-family home and even this one I deleted it this portion so that you can see that it is not really an intention for a second residence. You can see this is my office with telephones and computers and that's it, this one is storage so there's no really no bedrooms or anything like that.

MR. BABCOCK: Yeah, I don't think that his diagram here we understood it to be a sink and kitchen cabinets when we issued the permit, when we got there and seen that I think that's where our issue is. If he's got the kitchen then that creates an issue. So I guess we want him to be here tonight to say he's not creating a kitchen. Do you have a plan, the floor plan, do you see that?

MR. KANE: No.

MR. BABCOCK: Now he's actually doing his basement over into an office area for himself.

MR. CYPRESS: Yes, sir.

MR. BABCOCK: If this is not an issue for the board I don't see it as an issue here.

MS. LOCEY: Where is the washer and dryer?

MR. CYPRESS: There is no washer and dryer, it's in the grand floor, in the first floor.

MS. LOCEY: It's not in the basement?

MR. CYPRESS: No, I wouldn't have put it there, the basement is for my office and kids.

MS. LOCEY: Because a lot of basements or washer dryer areas they'll have a sink for soaking clothes or hand washing clothes.

MR. BABCOCK: There's no basement so that's why there was never any washer, dryer, sinks or anything down there.

MR. KANE: What it basically comes down to is this is that you got a decline from the building department

which means you have to be here. The zoning board itself cannot make any kind of decisions unless it's a public hearing, so we couldn't even formally tell Mike that the, I think the best thing is to proceed and what's going to happen in the public portion of the hearing is that the notices will go out, you'll come up and say the same things that you've been saying this evening and that it's not going to be used for a kitchen, not ever, and that's not the intent and it's just on record and that will be the end of it.

MR. CYPRESS: All right.

MR. KANE: Other than that, there's nothing we can do which leaves it still wide open.

MR. BABCOCK: I think that's the best way only because if someday somebody's living in this basement we have something to go by to hand this gentleman a ticket, you know, and he's--

MR. KRIEGER: For the next owner.

MR. BABCOCK: Or the next owner, that's correct.

MR. KANE: So that's, so we'll take it to public, we'll clear it up, everything will be clear in the records and the permit will be issued that the intent is not to be used as a kitchen, clear that up in a public hearing and you'll be set to go. Okay, any further questions from the board on this? I will accept a motion to set up a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Apollo Cypress for interpretation of the request.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MS. MASON: Apollo, take this with you, just read this over, it explains what you need to do next.

MR. CYPRESS: So I set up for another hearing?

MR. KANE: One more hearing because we have to do it in a public hearing, it's mandated by law.

MS. MASON: Read that over, tells you what you have to do. All right?

MR. CYPRESS: Thank you.

STEVEN_CATANIA_(08-19)

MR. KANE: Steven Catania. Request for 9.1 foot rear yard setback for existing shed at 19 Lannis Avenue.

Mr. Steven Catania appeared before the board for this proposal.

MR. KANE: You heard my little speech.

MR. CATANIA: Steve Catania, 19 Lannis Avenue, New Windsor.

MR. KANE: Tell us what you want to do.

MR. CATANIA: I'd like to ask the town for a variance to my shed to maintain my shed where it is within one foot of the neighbor's property line. It's the only practical location for the shed on my property.

MR. KANE: How long has the shed been up?

MR. CATANIA: There's a shed there when I bought the house 12 years ago.

MR. KANE: Okay.

MR. CATANIA: And a tree fell over the shed two years ago and I replaced it.

MR. KANE: Cut down any trees, substantial vegetation in the building of the shed? And your answer is that there was a shed there when you bought the home?

MR. CATANIA: Right.

MR. KANE: But I still have to ask that question. Create any water hazards or runoffs?

MR. CATANIA: No, sir.

MR. KANE: Has there been any complaints formally or informally to your knowledge?

MR. CATANIA: No, in fact, before we brought the new shed in we asked the neighbor whose property line it was against and he didn't mind at all.

MR. KANE: And you have already stated it's really the only place on the property that you can put it. Similar in size and nature to other sheds that are in your neighborhood?

MR. CATANIA: Yes.

MR. KANE: And the size of the shed?

MR. CATANIA: I think it's 8 x 12.

MR. BABCOCK: No, 8 x 12.

MR. CATANIA: The 12 is really a 10, it's really 8 x 10, I think there was a mistake on my part.

MR. BABCOCK: Okay.

MR. KANE: We'll fix the record, Mike?

MR. BABCOCK: Sure.

MR. KANE: It's an 8 x 10 shed, not 8 x 12 as in the record. I have no further questions. Anybody else have any questions?

MR. KRIEGER: At the time of the public hearing, you ought to be able to set forth why it's the only practical place on the property.

MR. CATANIA: If I move it forward 10 feet it will be over on top of the well.

MR. KANE: That's what you'll say.

MR. KRIEGER: Just that it had to be on the record.

MR. CATANIA: Okay.

MR. KANE: Anything further? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Steven Catania as detailed on the agenda of the Zoning Board of Appeals meeting dated June 23, 2008.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE

MS. LOCEY AYE

MR. TORPEY AYE

MR. KANE AYE

MS. MASON: Steven, take this with you, just read that over, tells you what to do next.

MR. CATANIA: Thank you. Have a good evening.

PUBLIC_HEARING_CONTINUATION:

AVAN_REALTY,_LLC_(08-10)

MR. KANE: Request for one additional freestanding sign at 140 Executive Drive in a PI zone. Welcome back.

Mr. Haig Sarkissian and Mr. William Helmer appeared before the board for this proposal.

MR. KANE: Okay, basically our question was is that with another freestanding sign there is there a way to incorporate those signs into one sign? I think what we're looking to do here one way or the other, now I don't know, I don't know who bears the expense and that kind of stuff but adding the third sign there I think causes a situation especially further down that there might be another building looking for another sign there. So that's basically why we want the continuation.

MR. SARKISSIAN: So one option to consider was to add our sign to one of the existing signs and give room, make room for the fourth building to have--

MR. TORPEY: Put all the signs on one.

MR. KANE: Or put the other, this building and another one of the two existing right now.

MR. TORPEY: Just make one sign.

MR. KANE: But Pat what you're saying, you're not giving him any alternative, the alternative was that there are two signs adding the other building on the sign.

MR. SARKISSIAN: That's another option, the other option would be to bring those down and make one big sign.

MR. KANE: You're going to expenses and I'm not sure where that goes.

MR. SARKISSIAN: So my question is if the board would accept us combining our sign and one of the existing ones that would be satisfactory for us.

MR. KANE: Personally, I don't have a problem with that, I prefer to see that than another one going up. Speak up people.

MR. TORPEY: What was the issue with another building going in there then?

MR. BABCOCK: If another building goes in.

MR. KANE: Two signs, he comes in second sign on that first one, the fourth building comes and a second sign on the other one.

MR. BABCOCK: So still be two signs with four different signs on them.

MR. KANE: Instaed of him putting up one whole one but again you're looking at who pays the expense of doing it and I'm not sure where you're going with that.

MS. LOCEY: There's only one more potential building in addition to yours?

MR. SARKISSIAN: Correct.

MS. LOCEY: In that back area there's not room for any additional buildings after the fourth?

MR. BABCOCK: Well, there is, yes and no, I think the answer is that yes, there's more property back there but when that property gets subdivided we have already talked to Mr. Helmer about continuing the road out so I

don't think we're going to have anymore dead end there where we're going to have more buildings where somebody would want a sign.

MR. TORPEY: So they're still going to have a sign on the road saying I'm on this road. So once you go down the road you'll find help with the sign, there's no name on that road at all right now.

MR. BABCOCK: Yeah, I think there's a name on the road, yeah, sure.

MR. HELMER: Road's Executive Drive.

MR. TORPEY: That's what I meant like I'm down Executive Drive so nobody else in the back is going to want to bring a sign to the main road.

MR. KANE: What Mike is saying when those buildings go up that won't be the only entrance to the area, you're going to have, it's going to exit out at a different point so you get two ways to go in and out so you go back to a normal situation.

MR. HELMER: We have faced this problem ever since we started Wembly Road, we tried to get UPS and Air Products and so forth onto all one sign and nobody would do it and, you know, it's one of those awkward things where you have a road and a lot of businesses on it, some want it, some don't. We have a tenant Ralph Lauren Polo, nobody knows they're there, they didn't want a sign. And the next one wants a sign. So it's always a problem for both you and whoever is developing this to try to get everybody to agree to something. I know up front there we have Finkelstein and we have the school district and we've got to go to one of them and say heck, let us join your sign. And I have agreed with Haig that I will do that to see what I can do.

MR. KANE: I have no problem with that.

MR. HELMER: I don't know how else to do it.

MR. TORPEY: Just looking, you know, too much.

MR. HELMER: I agree.

MR. TORPEY: Gotta keep New Windsor beautiful.

MR. HELMER: And we want to do that too, we're not trying to but everybody has their way of going crazy, I guess, some put up a beautiful sign, the next one puts up some that doesn't look so good. And of course the main thing you approve is the size of the sign, right, more than what's on it and that's another problem?

MR. BABCOCK: That's correct.

MR. HELMER: One guy wants sky blue pink and another guy wants black and white, so it looks like a mish-mash.

MR. BEDETTI: If you merged the signs then a question may become well, what size is it going to be.

MR. HELMER: That's correct, that's why they do individuals because you say it to them you can only use 3 x 4 sign or 4 x 5 depending upon size of the lot and square foot of the building or something. Does that go into it?

MR. SARKISSIAN: There's a maximum size.

MR. BEDETTI: There's a maximum size.

MR. SARKISSIAN: What's the same as the two signs that are on there which is I believe 7 x 4.

MR. BABCOCK: Yeah, it's 64 square feet.

MR. BEDETTI: And that's measuring all surfaces.

MR. BABCOCK: Right.

MR. KANE: So it's 32 a side, basically. Yeah, I would prefer doing that if we can get that added to the bottom of one of the existing signs, I think that is a better way to go, I think what we'll probably have to do though--

MR. TORPEY: Wait a second, that sign says offices for rent.

MR. KANE: Has nothing to do with us, it's on the other side of the street.

MR. HELMER: Is that the yellow sign?

MS. LOCEY: Under River Realty.

MR. KANE: That's not underneath, there's a road between it, that's on the other lawn, it's an optical illusion.

MR. TORPEY: I've got different signs than you do.

MR. BEDETTI: I don't interpret it that way because if you take that one sign all the signs and add all the square footage up you may wind up exceeding the 64 square feet.

MR. KANE: No because that's already been 64, you fit it in the 64, you've got a 32 foot area to work with on each side whatever you put in though.

MR. BEDETTI: I don't have that picture.

MR. KANE: See the white one, it has three separate strips, those are not three separate signs, that's considered one sign, that's what Pat was talking about.

MR. BEDETTI: Okay.

MR. KANE: I wasn't talking about a third. Okay, I'm thinking that what we have to do with this is that we can't really make a ruling until you ask either one of these people if we can put the sign underneath.

MR. HELMER: I have agreed to go ask both of them and I will get permission from one of them, I'm pretty sure, especially if you people approve that method of doing it, if you don't approve it, they're going to say well put your own sign up, but if I go and say the Zoning Board of Appeals asked this gentleman to approach the other two I'm sure one of the two will let him.

MR. SARKISSIAN: Also last time we were here you mentioned that the only person who can decide is the owner of the property so it's his choice.

MR. KANE: It's a straw vote.

MR. KRIEGER: We don't close it so that you don't have to go through the expense.

MR. KANE: Because he can't force those two applicants to add that portion to his sign which means we have to rule on exactly what's been presented to us so what I'm saying here is that--

MR. HELMER: I think I can force one of the two of them, I own the property.

MS. LOCEY: Can't we do it contingent upon?

MR. KANE: But my thought was to let them if he goes out and he gets the approval it's going to go under there then we can make proper amending to it because we have to amend the size of that particular sign, that sign's already maxed out I'm sure at 32, right, which

means we have to put a variance on that sign that's existing already. It's not a freestanding sign we're putting in, we're putting an addition to an existing sign. So we have to amend it, it becomes a little more complicated because of the paperwork and the public notices that go out there and it has to be out by 10 days so what we're saying is that we'll just hold it open here. Frank, do you have a problem adding the second sign to the bottom?

MR. BEDETTI: Yes, I do.

MR. KANE: Pat?

MR. TORPEY: No problem.

MS. LOCEY: I still think we should bring a motion to the floor indicating that with contractual approval of whoever the principals are the owners of those signs that we would go forward with review of the, for a variance for the size of that sign because without us giving him any teeth he's saying to us the current sign owners may be resistant.

MR. KANE: Fair enough.

MR. KRIEGER: It gives them a tool to work with.

MR. HELMER: That's what I need.

MS. LOCEY: If you want to make an interim resolution having them come back after they get that if there's any way of doing that but to allow them to go forward.

MS. LOCEY: Do you understand?

MR. KANE: I understand completely, it makes sense.

MR. HELMER: What I'd like to do to avoid your time again and again is to make that motion and we'll report

back to Myra or building inspector we've got approval and here's what we're going to do and we'll give you that to just close it and be done with it. You don't have to sit here and listen to us.

MS. LOCEY: I will offer a motion to approve a request from Avan Realty to attempt to add a sign underneath one of the two existing signs at 140 Executive Drive in a PI zone subject to contractual agreement with one of the sign owners.

MR. KANE: And coming back to us for the final size of the additional signage.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MS. LOCEY: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

